



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Setti D. Warren
Mayor

Public Hearing Date:	October 12, 2010
Land Use Action Date:	December 14, 2010
Board of Aldermen Action Date:	January 3, 2011
90-Day Expiration Date:	January 4, 2011

DATE: October 12, 2010

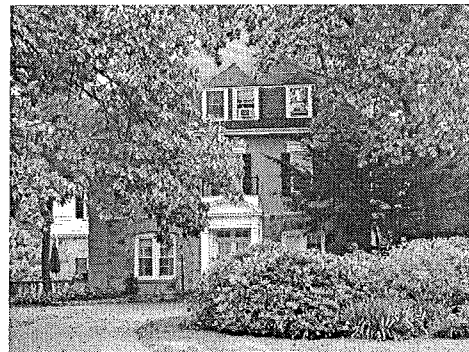
TO: Board of Aldermen

FROM: Candace Havens, Interim Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Derek Valentine, Senior Planner

SUBJECT: Petition #249-10 CHESTNUT HILL FOUNDATION, petition for a SPECIAL PERMIT, EXTENSION OF A NONCONFORMING STRUCTURE AND TO AMEND A SITE PLAN approved through Special Permits 253-73, 359-74, 471-76, 624-78 and 17-82 for an association of persons living together and religious/educational center operated by Opus Dei, a prelature of the Catholic Church at 481 HAMMOND STREET, Ward 7, Chestnut Hill, on land known as Sec 63, Blk 16, Lot 1, containing approx 145,538 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec 30-8(b)(1), 30-15 Table 2, 30-21 (a)(2)(b), 30-21(b), 30-19(h)(1), 30-19(m), 30-19(h)(4)(a) and (b), and 30-19(k) of the City of Newton Rev Zoning Ord.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



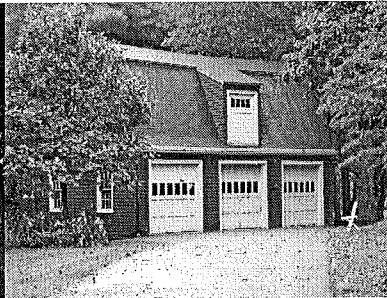
EXECUTIVE SUMMARY

The property is owned by the non-profit Chestnut Hill Foundation and is currently used as a residence and meeting space for men following the mission of the Prelature of Opus Dei. The facility is programmed to provide housing for priests/laymen and educational space for local youth. The proposal is to expand the existing facility to provide additional educational and living spaces as well as an enhanced landscape plan and parking plan. Currently there is no separation between the areas used for residential purposes for the men and spaces used for education and worship. This petition seeks to separate these functions, with an addition onto the existing structure. The house is 11,034 sq. ft. and under this petition could be expanded to 19,384 sq. ft. Twelve people currently live in the house and this number would not increase if this petition were approved. The structure is on a very large lot of 145,538 sq. ft.; but is legally nonconforming with regard to side setback (the detached garage), rear setback, and building height. The proposed addition will increase the nonconformity with regard to rear setbacks.

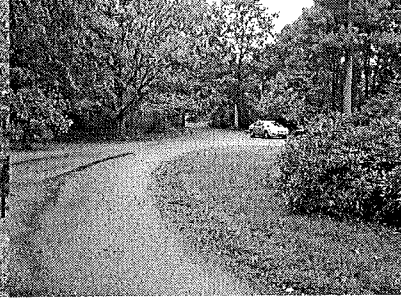
The Board of Aldermen granted a Special Permit for the current use as an association of persons living together in 1973 under Board Order #253-73. This Board Order authorized the use for a set period of time, which was later renewed in 1974, 1976, 1978 and 1982. The latest Board Order (#17-82) had an expiration date of five years. This expiration date has passed and the petitioner has not renewed the Special Permit, but has maintained the association of persons use continuously since 1982. The Petitioner is seeking to legalize this use. The petitioner also conducts educational and religious classes on site, but has not legally established this use. Part of this petition will be to legalize that use.



South view of house



North view of Garage



Driveway looking south

I. SIGNIFICANT ISSUES FOR CONSIDERATION

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the corner of Hammond Street and Suffolk Road in Chestnut Hill. The site is in a Single Residence 1 Zone. The area is comprised mostly of single-family, large, older homes of exceptional quality from the late 19th and early 20th centuries. There is also an institutional presence in the neighborhood. First Church of Chestnut Hill is located immediately west of the site and Chestnut Hill School is opposite Hammond Street from the site.

B. Site

The site consists of 145,538 sq. ft. It is rolling with a number of large specimen trees. The lot is improved with an 11,034 sq. ft. residential/educational structure built in 1870. There is an existing 875 sq. ft. three-car garage near the southern boundary of the property. The site is served by a long, circular driveway off of Hammond Street. An aging 6 foot high stockade fence and stone wall continue along the entire Suffolk Road and Hammond Street frontages.

The parcel is bound on the north by Suffolk Road, on the east by Hammond Street, on the south by the MBTA right of way, and on the west by a private residence and the First Church of Chestnut Hill.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently used as an association of persons living together and as a facility for conducting educational and religious classes. The type and intensity of the use is not projected to change as a result of this petition.

B. Building and Site Design

The 2.5 story building currently has 13 bedrooms and a number of large communal rooms including an oratory, a parlor, a living room and staff rooms. The house is French Eclectic in style and includes a number of gables and hip-roof details. The addition will be 8,350 sq. ft., for a total of 19,384 sq. ft., and will be consistent with the architectural style of the existing structure. The expansion will not increase the number of people living on site, but will provide enhanced and enlarged spaces for them to carry out their educational and spiritual mission.

C. Parking

The site will be accessed by two driveways, one off of Suffolk Road and one off of Hammond Street. The two curb cuts are preexisting. The driveways provide parking for 25 vehicles, while 26 spaces are required. The petitioner is seeking a waiver for this space because the use of the site is not increasing in intensity. The petitioner would also prefer to minimize the amount of impervious surface on the site.

The Hammond Street driveway is a one-way, circular driveway lined with 11 parallel parking spaces, including one handicap stall. The parallel spaces are demarcated by cobblestones, but these divisions appear to be less than the required nine feet in width. The petitioner has indicated that this was intended to maintain the residential character of the site. The northern spur of the driveway is 12 feet wide, which is a change from the plans submitted for the Zoning Memo, and it is now conforming for one-way travel. It is unclear how the driveway will be marked for one-way travel. ***The petitioner should indicate where one-way signage will be located.*** The central spur that completes the circulation of the driveway is 10 feet wide, which is narrower than the City's requirement for one-way travel. Dimensions of parking spaces 1 through 11 are not shown, and this makes it difficult to determine if the spaces are compliant with Newton Zoning Ordinances. ***The petitioner should show that these spaces meet the dimensional requirements, or should seek a waiver from the dimensional requirements for parking spaces.***

There is a second driveway off of Suffolk Road. This driveway contains four spaces and is accessed by a 16.5 foot wide two-way driveway. This width is also less than City requirements and the petitioner is seeking a waiver. The plans state that this is strictly a service entrance and traffic activity is anticipated to be light. Given the residential character of the neighborhood, the Planning Department supports minimizing the amount of impervious surfacing where possible, without compromising public safety.

The southern spur of the Hammond Street driveway has seven parking spaces and an additional three in the existing detached garage. Dimensions are not shown for parking spaces #18 through #21. ***The petitioner should show that these spaces are conforming or should seek waivers from the dimensional requirements for parking spaces.***

Newton Zoning Ordinances require bicycle parking in parking facilities with more than 20 spaces. This site requires three bicycle parking spaces. Although bike parking is shown on the site plan, it is unclear how many bicycle parking spaces are provided and what their dimensions are. The bike rack provided is also some distance from the entrance of the facility. Newton Zoning Ordinances require bicycle parking spaces to be located near the entrance of the use. ***The petitioner should clarify the***

specifications of the bike rack..

D. Landscape Screening and Lighting

This petition will require the removal of several trees. The variety and condition of these trees is unclear. Any tree removal should comply with the Newton Tree Preservation Ordinance and should be reviewed by the Tree Warden. ***A final landscape plan should be submitted for approval by the Department of Planning and Development and by the Tree Warden indicating size, type and location of proposed plantings.*** Preference should be given to native species, where practicable. The parcel has a heavily wooded edge, particularly on its only residential border, the west side.

The removal of the existing 6 foot high stockade fence will improve the aesthetics of Hammond Street, which is a designated scenic road.

It appears as though lighting is not installed in accordance with the City requirement to maintain one foot candle of intensity over the entire surface of outdoor parking facilities. ***The petitioner should install more outdoor lighting or confirm that areas of the parking lot that do not meet this requirement are not intended for evening use.***

E. Signs

No signage is being proposed at this time. In the event that the petitioner would like to install signage, he should apply to the Urban Design Commission.

IV. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* recognizes the importance of houses of worship as anchors of community structure and land use. In addition to their social value, houses of worship offer architectural variety and open space in their neighborhoods. The subject property is no exception and its continued viability is consistent with the intent of the *Comprehensive Plan*.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-24). The Zoning Review Memorandum, dated August 12, 2010 (***SEE ATTACHMENT "C"***), provides an analysis of the proposal. A Special Permit is required under Newton Zoning Ordinances Section 30-8(b)(1) to allow an association of persons living together in a common dwelling. This use was previously authorized by Board Order #253-73 in 1973 and later renewed in 1974 (Board Order #359-74), 1976 (Board Order #471-76), 1978 (Board Order #624-78), and 1982 (Board Order #17-82). The Special Permit has not been renewed since

1982 and this petition seeks to legalize the association of persons use which has been exercised continuously. The current residence is nonconforming with regard to rear setbacks. This petition is seeking relief through Sections 30-15, Table 2, 30-21(a)(2)(b) and 30-21(b) to expand the building and thus this nonconformity. Section 30-19(c)(2) requires 26 parking spaces while 25 are being provided. This requires relief from Sections 30-19(d) and 30-19(m). The parking lot off of Suffolk Road includes parking within the front setback. This will require relief from Sections 30-19(h)(1) and 30-19(m). Relief from 30-19(h)(4)(a) is needed to allow for a 10-foot wide, one-way driveway and a 16.5-foot wide two-way driveway. Relief from Section 30-19(k)(2) is required to allow the bike parking to be located away from the entrance to the use.

Note: The Zoning Memo stated that the petitioner was seeking relief from Sections 30-19(h)(5)(b) and 30-19(h)(5)(a) to allow for tandem parking spaces. The petitioner is no longer proposing tandem parking.

B. Other Reviews

1. Engineering: The Engineering Department requires a drainage analysis, a construction management plan, and a replacement water and sewer service. The petitioner shall comply with the requirements of the engineering report dated September 16, 2010, however the Planning Department does not think that the addition of a sidewalk on Hammond Street is appropriate for this site.
2. Fire Department: The Fire Department approves the site layout provided a sprinkler system is installed, the vertical clearance for the awning is 13'6" and snow is cleared from the reinforced pavers on the sides of the access drive.
3. Historic: The Newton Historical Commission has approved the plans as submitted to the Planning Department.

VI. ZONING RELIEFS SOUGHT

Based on the completed zoning review, dated August 12, 2010 (*SEE ATTACHMENT "C"*), the petitioner is seeking approval through or relief from:

- Section 30-8(b)(1), to allow residence for association of persons
- Section 30-19(c)(2), 30-19(d), 30-19(m), to waive one required parking space
- Section 30-15 Table 2, 30-21(a)(2)(b), 30-21(b), to expand the nonconforming rear setback and building height
- Section 30-19(h)(1), 30-19(m), to allow parking within the front setback
- Section 30-19 (h)(4)(a), to allow a 10' wide one-way driveway and a 16.5' wide two-way driveway
- Section 30-19 (k)(2), to allow the bike parking to be located away from the entrance to the use

VII. Summary of Petitioner's Responsibilities

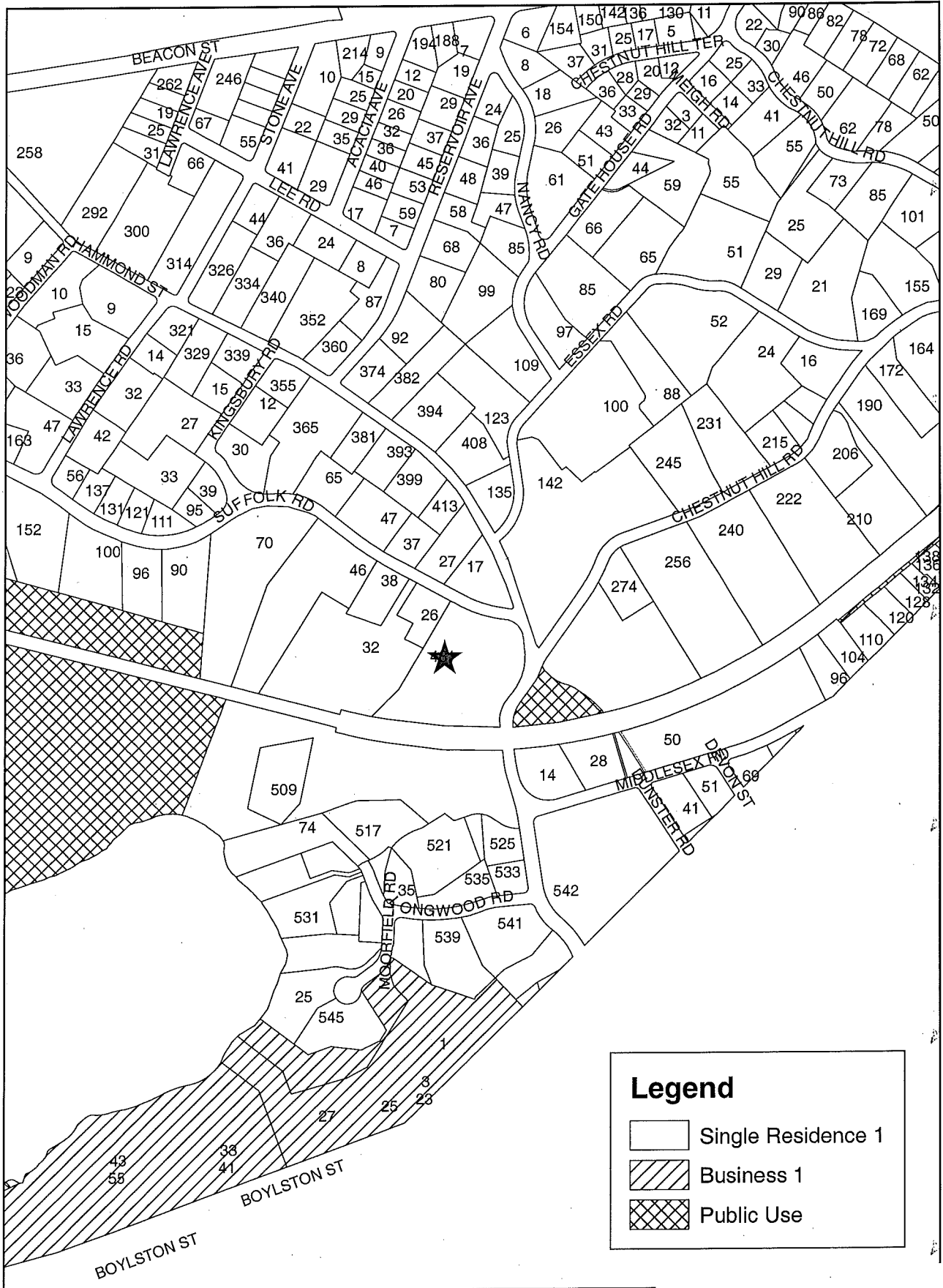
- The petitioner should indicate that all parking spaces on site comply with the dimensional requirements of Newton City Ordinances.
- The petitioner should clarify the specifications for the bike rack
- The petitioner should indicate on the plan how motorists will be notified of one-way travel in the driveway
- The petitioner should have any proposed tree removal approved by the Tree Warden
- The petitioner should submit a construction management plan for review by the Director of Planning and Development and by the Engineering Department
- The Petitioner should submit a final landscape plan indicating the type, location and size of proposed plantings.

ATTACHMENTS




ATTACHMENT A:	<i>Zoning Map</i>
ATTACHMENT B:	<i>Land Use Map</i>
ATTACHMENT C:	<i>Zoning Review Memorandum, dated August 12, 2010</i>
ATTACHMENT D:	<i>Engineering Memorandum, dated September 16, 2010</i>
ATTACHMENT E:	<i>Fire Department Memorandum dated October 5, 2010</i>
ATTACHMENT F:	<i>Board Order #253-73</i>
ATTACHMENT G:	<i>Board Order #359-74</i>
ATTACHMENT H:	<i>Board Order # 471-76</i>
ATTACHMENT I:	<i>Board Order #624-78</i>
ATTACHMENT J:	<i>Board Order # 17-82</i>
ATTACHMENT K:	<i>Draft Board Order #249-10</i>

Vicinity Zoning, 481 Hammond St

N



Legend

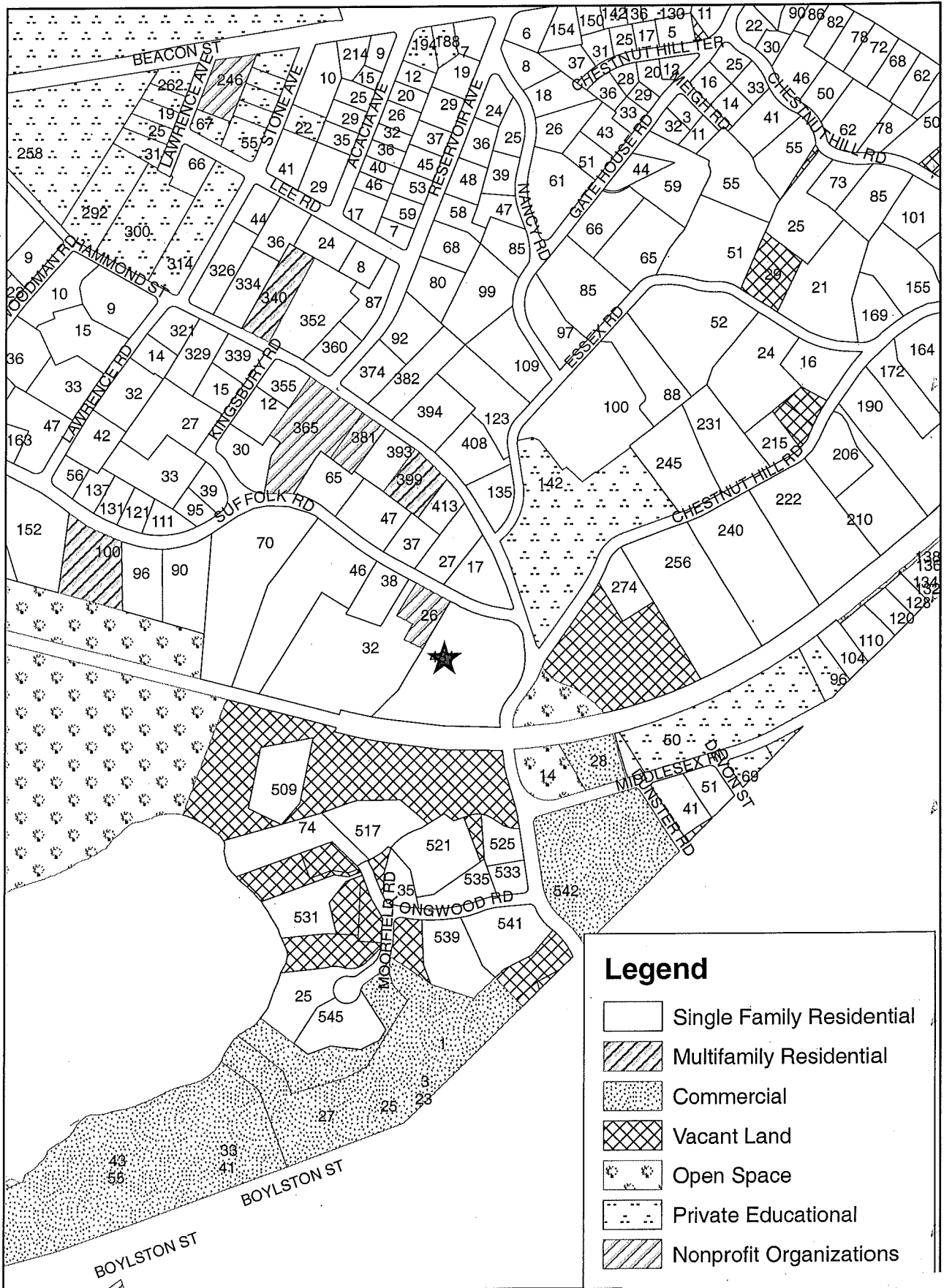
-  Single Residence 1
-  Business 1
-  Public Use

0 250 500 1,000 1,500 2,000 Feet

ATTACHMENT A

Vicinity Land Use, 481 Hammond St

N



0 250 500 1,000 1,500 2,000 Feet

ATTACHMENT B

Zoning Review Memorandum

Dt: August 12, 2010

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official *ET*
Candace Havens, Acting Director of Planning and Development

Cc: Alan J. Schlesinger, representing Chestnut Hill Foundation Inc.
Ouida Young, Associate City Solicitor

RE: Request to permit expansion of a non-profit religious facility

Applicant: Chestnut Hill Foundation Inc.

Site: 481 Hammond Street

Zoning: SR-1

Current use: Residence for 12 men
and an Opus Dei educational facility

SBL: Section 65, Block 8, Lots 99B

Lot Area: 190,368 square feet

Proposed use: Expanded structure to
be used as residence for 12 men and
an Opus Dei educational facility

Background:

The subject property consists of a 145,538 square foot lot currently improved with a residence for 12 unrelated men and meeting space to conduct educational seminars and classes under the mission of the Prelature of Opus Dei, an institution of the Catholic Church. In 1973, the Board of Aldermen granted a special permit (Board Order #253-73) for the use of the property as an "association of persons living together." The 1973 special permit granted this use for a specified period of time after which it was renewed in 1974 (Board Order #359-74), 1976 (Board Order #471-76), 1978 (Board Order #624-78), and 1982 (Board Order # 17-82). The 1982 Board Order specified that the special permit should expire in five years. However, the applicants have not renewed the special permit since 1982, despite the fact that they have continued the "association of persons" use. The current application proposes to renovate and expand the existing building to create more functional program and services spaces, accommodate additional parking and upgrade the facilities and services.

Administrative determinations:

1. The subject property is located in the SR-1 zoning district. An association of persons living together in a common dwelling is allowed in this zone with a special permit from the Board of Aldermen under Section 30-8(b)(1) of the Newton Zoning Ordinance.
2. The applicants have stated that they currently conduct educational and religious classes on the site. This use is allowed by right in the SR-1 zone under Section 30-5(a)(2) after Administrative Site Plan Review. However, we have found no records to indicate that the applicants have followed the

Administrative Site Plan Review process (or the special permit process that pre-dated the Administrative Site Plan Review) in order to establish their educational use on site. Nevertheless, this use can be legalized in conjunction with the current application since Section 30-5(a)(2)(d) states that where a special permit is required for a project, the Dover-protected uses in Section 30-5(a)(2) are not subject to an additional administrative site plan review.

3. The Chestnut Hill Foundation Inc. is a non-profit religious and educational organization. Therefore, the proposed project is subject to the dimensional regulations of Section 30-15, Table 2 for a Multi-Use Institution. (See chart below).

SR-1 zone	Required	Existing	Proposed
Lot Area	50,000 sq. ft.	145,538 sq. ft.	No change
Setbacks			
o Front	60 feet	152 feet	82 feet
o Side	40 feet	32.12 feet	No change
o Rear	40 feet	33 feet	31 feet
Floor Area Ratio	0.6 ¹	0.07	0.12
Building Height	36	36.25 feet	No change
Max. Number of Stories	3	3	No change
Max. Lot Coverage	30%	3%	6%
Min. Open Space	30%	85%	79%

¹ Footnote 3 of Section 30-15, Table 2 permits an increase in FAR of .1 for each 10% of the lot area that is devoted to usable open space.

4. The existing structure is legally nonconforming with respect to the side and rear setbacks and building height. The proposed addition will increase the nonconformity with respect to the rear setback. In order to build the addition as proposed, the applicants must obtain a special permit from the Board of Aldermen under Sections 30-21(a)(2)(b) and 30-21(b).
5. Section 30-19(c)(2) outlines a formula ($A - B + C =$ number of required spaces)² to determine how many on-site parking spaces must be provided with a change of use in a building. Variable A is the number of off-street parking stalls required under 30-19(d) for the proposed use(s). Variable B is the number of off-street parking stalls that would have been required for the previous use(s). Variable C is the number of off-street parking spaces located on-site.

In this case, all of the previous Board Orders for the use of this site, as a residence for an association of persons, limit the number of people that may live on site to 12 ("nine laymen and priests and three domestics"). Although these Board Orders have expired, the use permitted by them is the last legal use of the property and therefore Variable B is based on the number of parking spaces that were required for that use (see chart below).

Use	Required per Section 30-19(d)	Prior Use	Previous Parking Requirement	Proposed Use	Proposed Parking Requirement
Association of Persons	1 space/sleeping room, 1 space per 3 employees on largest shift	12 residents (9 laymen/ priests and 3 live-in employees)	12	12 residents, 4 employees	14 (12+2)
Meeting Space	1 space/45 sq. ft.	N/A	N/A	840 sq. ft. ¹	19
TOTAL			12 (Var. B)		33 (Var. A)

¹ The building will also have an Oratory with 28 seats, however the applicants have stated that the Oratory will not be used concurrently with the meeting room space. Therefore, only the parking requirement for the meeting space is calculated in this chart since it has the larger requirement of the two spaces.

6. The previous Board Orders limited the number of permanent parking spaces on site to a maximum of five. Therefore, Variable C (the number of parking spaces provided) in the formula in Section 30-19(c)(2) is five. As a result, the formula requires that 26 parking spaces $(33(A)-12(B)+5(C)=26)$ be provided on site for the proposed use. The submitted site plan shows 25 parking spaces. The applicants must obtain a special permit from the Board of Aldermen under Section 30-19(m) to waive one required parking space.
7. Section 30-19(h)(1) prohibits parking spaces in the front setback in parking facilities with greater than five parking spaces. The parking spaces located off of the driveway from Suffolk Road are located within the front setback. The applicants must obtain a special permit under Section 30-19(m) to permit these spaces to be located as proposed.
8. Section 30-19(h)(4)(a) requires entrance and exit driveways to be a minimum of 20 feet wide for two-way traffic. The submitted plans show a 15-foot wide two-way entrance drive. In order to construct this driveway as proposed, the applicants must obtain a special permit from the Board of Aldermen under Section 30-19(m).
9. Section 30-19(h)(5)(a) requires that parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. Parking spaces 17 and 18 on the submitted site plan appear to be tandem spaces. Section 30-19(h)(5)(b) allows tandem parking spaces with a special permit from the Board of Aldermen provided the parking facility is under full-time attendant supervision. The applicants have provided no information in this regard. In addition, the dimensions for spaces 17 and 18 are not provided on the site plan so it difficult to determine if they are compliant. If the spaces are in fact substandard, the applicants must obtain a special permit from the Board of Aldermen under Section 30-19(m) to allow these spaces to be constructed as proposed.
10. Section 30-19(k) requires bicycle parking spaces in parking facilities with greater than 20 parking spaces. In this case, three bicycle parking spaces are required. The submitted plans depict bicycle parking spaces within the

garage, however it is unclear whether this space is large enough for three bicycles. This should be clarified in the special permit application. In addition, Section 30-19(k)(2) requires that the bicycle parking spaces shall be located near the entrance to the use or structure that the parking facility serves. Locating the bicycle parking in the garage rather than close to the entrance to the building requires a special permit from the Board of Aldermen under Section 30-19(m).

11. See "Zoning Relief Summary" below:

Zoning Relief Summary		
Ordinance		Action Required
	Use	
§30-8(b)(1)	Allow residence for "association of persons"	SP per §30-24
	Site	
§30-15, Table 2, 30-21(a)(2)(b), 30-21(b)	Increase nonconforming rear setback	SP per §30-24
	Parking	
§30-19(c)(2), 30-19(d), 30-19(m)	Waive one required parking space	SP per §30-24
§30-19(h)(1), 30-19(m)	Allow parking in the front setback	SP per §30-24
§30-19(h)(4)(a)	Allow 15 foot wide two-way driveway	SP per §30-24
§30-19(h)(5)(a), 30-19(h)(5)(b), 30-19(m)	Allow tandem parking spaces and waive dimensional standards of parking spaces	SP per §30-24
§30-19(k), 30-19(m)	Allow bicycle parking spaces to be located in the garage	SP per §30-24

Plans and materials reviewed:

- Board Orders #253=73, #359-74, #624-78, and #17-82
- "C-1, Cover Sheet"
- "Sheet No. C-2, 481 Hammond Street, Existing Conditions Plan of Land Located in Newton, Massachusetts, signed and stamped by Mark E. Beaudry Registered Professional Engineer, dated June 21, 2010
- "C-3, Site Preparation Plan," signed and stamped by Mark E. Beaudry Registered Professional Engineer, dated June 21, 2010, hand dated 7/1/10
- "C-4, Layout and Materials Plan," signed and stamped by Mark E. Beaudry Registered Professional Engineer, dated June 21, 2010, hand dated 7/1/10
- "C-5, Grading, Drainage & Utilities Plan," signed and stamped by Mark E. Beaudry Registered Professional Engineer, dated June 21, 2010, hand dated 7/1/10
- "C-6, Landscape & Lighting Plan," neither signed nor stamped by a licensed professional, dated June 21, 2010
- "Chestnut Hill Parking Lot and Walkway Revised Lighting Layout, dated 4/30/10
- Architectural Floor Plans and Elevations, all dated January 01, 2005, neither signed nor stamped by a licensed professional, as follows:
 - "A1.0, Basement Floor Plan"
 - "A1.1, First Floor Plan"
 - "A1.2, Second Floor Plan"
 - "A1.3, Third Floor Plan"
 - "A1.4, Roof Plan"

- “A3.1, Exterior Elevations”
- A3.2, Exterior Elevations”

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlion, Associate City Engineer

Re: Special Permit – 481 Hammond Street

Date: September 16, 2010

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Acting Director of Planning (via email)
Linda Finucane, Associate City Clerk (via email)
Derek Valentine, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

481 Hammond Street Renovation & Addition
Chestnut Hill, MA

Prepared by: Meridian Engineering

Dated: June 21, 2010

Revised: September 3, 2010

Executive Summary:

This single family dwelling is to be expanded by essentially doubling the footprint of the existing home and adding three floors of living space. Based upon this proposal and the current policies of the DPW; both the water service which was installed (1934) and sanitary sewer service which was installed in 1908 must be updated to current standards, and to meet the needs of the additional flows from the new addition.

The site plan indicated that the driveway will be expanded along with new parking stalls and walkways. In concert with all this new impervious surfaces, a stormwater retention system is proposed that will include on site infiltration and detention systems, and also having an overflow connection to the City's drainage system, which needs further investigation.

As a Public Benefit the applicant should consider installing cement concrete sidewalk along the entire frontage of the property that would be an extension of the existing sidewalk that currently terminates at the MBTA bridge.

Construction Management:

1. A construction management plan is needed for this project. At a minimum it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. An approved type of siltation control is needed.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6.5-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site. The site plan indicates two recharge systems that have overflow connections to an open detention basin, which ultimately has a proposed overflow to the City drainage system, which may not have enough capacity for additional flows. As this property is over 3 acres, the engineer of record should explore the site for alternative infiltration systems and to keep all the runoff on site and infiltrate to the maximum extent as required by the Department of Environmental protection and the DPW. An overflow connection to the City system is only allowed in circumstances in which the site cannot totally accommodate all the infiltration.
2. The engineer of record needs to submit a hydraulic capacity of the downstream drainage system in order to be evaluated Engineering Division to determine any impact to the municipal drainage system.
3. An on site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the building permit application. The locations of these tests need to be shown on the site plan. Test pits shall be located within 25' of any proposed system.
4. If the overflow connection to the City's drainage system is approved, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post - Construction video inspection shall also take place and witnessed as described above.

5. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
6. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the Homeowners Association.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted.
4. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type IE; detail is available in the city of Newton Construction Standards Detail Book.

Water:

1. The new water service shall be a minimum of 1" Type K copper. If a larger service connection is requested then applicant needs to make an application for a larger size with the utilities Division.
2. The Fire Department may require a fire suppression (sprinkler) system.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.



CITY OF NEWTON, MASSACHUSETTS

FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Setti D. Warren
Mayor

Joseph E. LaCroix
Chief

Alderman Ted Hess-Mahan
Land Use Committee
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, Ma 02459

October 5, 2010

Re: 481 Hammond Street

Dear Mr. Hess-Mahan,

We have reviewed the site plans for the residence located at 481 Hammond Street. This is to advise you that the Newton Fire Department has stamped the plans dated June 21, 2010 and approves the site layout with the following conditions:

- The building has a sprinkler system installed in accordance with NFPA 13R.
- The vertical clearance for the awning is a minimum of 13' 6".
- Snow is cleared from the reinforced pavers during the winter months.

We will of course be reviewing the plans relative to Fire Prevention matters during the building permit process.

If you have any questions, please do not hesitate to call me at 796-2210.

Sincerely,

Bruce A. Proia
Chief of Operations

Cc: Alan Schlesinger
Deputy Chief Michael Castro, Fire Prevention
✓ Derek Valentine, Planning and Development

ATTACHMENT E

FINAL

CITY OF NEWTON

#253-73

IN BOARD OF ALDERMEN

June 4, 1973

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the zoning ordinance, the following permissive use is hereby granted, in accordance with the recommendation of the Land Use Committee and the reason given by the Committee therefor through its Chairman, Alderman Alan S. Barkin.

Petition Number: 253-73

Petitioner: Association for Cultural Interchange Inc.
(Opus Dei)

Location: 481 Hammond Street, Ward 6, Section 63,
Block 16, Lot 1, containing approx. 145,150
square feet.

To be used for: Association of persons living together
Maximum of 12 persons: 9 laymen and priests
and 3 domestics.

Explanatory Note: Section 25-5(6) of the Zoning Ordinance
requires the applicant to obtain permission
from the Board of Aldermen.

Land referred to is in Single Residence A District.

Approved subject to the following conditions:

1. That no more than 12 persons, including staff, may reside on the premises, and that all living quarters for such persons shall be located in the existing house;
2. That no more than 5 automobiles may be permanently parked on the premises;
3. That the landscaping, grounds and existing structures shall be maintained in good condition at all times;
4. That no signs, other than a sign indicating the address, shall be erected on the premises;
5. That the permissive use hereby granted shall be non-transferrable and shall expire one year following the date of approval of this order, subject to further renewal after Public Hearing upon terms imposed by the Board of Aldermen.

ATTACHMENT F

6. This permissive use shall not be obtained until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County, a statutory notice of the granting of this permissive use with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk and Public Buildings Department.

Under Suspension of Rules
Readings Waived & Adopted
20 Yeas 4 Absent
(Absent - Ald. Antonellis,
Bullwinkle, Magni & Uehlein)

EXECUTIVE DEPARTMENT

Approved June 6, 1973

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor

CITY OF NEWTON
IN BOARD OF ALDERMEN

June 3, 1974

DRAFT

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following RENEWAL OF PERMISSIVE USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reason given by the Committee therefor through its Chairman, Alderman Joseph M. McDonnell.

Petition Number: 359-74

Petitioner: Association for Cultural Interchange, Inc.
(Opus Dei)

Location: 481 Hammond Street, Ward 6, Section 63, Block 16,
Lot 1, containing approximately 145,150 square feet.

To be used for: Association of persons living together -
maximum of 12 persons: 9 laymen and priests and
3 domestics.

Explanatory note: Section 25-5(6) of the Zoning Ordinance requires
the applicant to obtain permission from the Board
of Aldermen.

Land referred to is in Single Residence A District.

Approved subject to the following conditions:

1. That Conditions 1 - 4 of Board Order #253-73,
dated June 4, 1973, shall remain in full force
and effect.
2. That the PERMISSIVE USE hereby granted shall be
nontransferable and shall expire two years following
the date of approval of this order, subject to further
renewal after public hearing upon terms imposed by
the Board of Aldermen.

ATTACHMENT G

3. That this PERMISSIVE USE shall not be exercised until:

- a. The petitioner shall have obtained and placed on file, in the office of the City Clerk, documents certifying that the premises have been inspected and approved by the City Fire, Buildings and Health Departments.
- b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County, a statutory notice of the granting of this PERMISSIVE USE with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
- c. A certified copy of such recorded notice shall have been filed with the City Clerk and Public Buildings Department.

CITY OF NEWTON
IN BOARD OF ALDERMEN

September 20, 1976

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following PERMISSIVE USE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Acting Chairman, Alderman Thomas B. Concannon, Jr.

Petition number: #471-76

Petitioner: Trimount Foundation, Inc.

Location: 481 Hammond Street, Ward 7, Section 63, Block 16,
Lot 1, containing approximately 145,150 square
feet.

Owner: Trimount Foundation, Inc.

Address of owner: 481 Hammond Street, Newton

To be used for: Association of persons living together - maximum
of 12 persons: 9 laymen and priests and 3 domestics

Explanatory note: Section 24-5(b) of the Zoning Ordinance requires
the applicant to obtain permission from the Board
of Aldermen. The subject petition requests extension
of the PERMISSIVE USE most recently extended
by Board Order #359-74, dated June 3, 1974.

Land referred to is in a Single Residence A District.

Approved subject to the following conditions:

1. That Conditions 1.-4. of Board Order #253-73, dated June 4, 1973, shall remain in full force and effect.
2. That the PERMISSIVE USE hereby granted shall be nontransferable and shall expire two years following the date of approval of this order, subject to further renewal after public hearing upon terms imposed by the Board of Aldermen.

ATTACHMENT H

3. That this PERMISSIVE USE shall not obtain until:
 - a. The petitioner shall have placed on file with the City Clerk, the Public Buildings Department, and the Department of Planning and Development, the necessary state and local approvals required of such use.
 - b. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County, a statutory notice of the granting of this PERMISSIVE USE with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - c. A certified copy of such recorded notice shall have been filed with the City Clerk, the Public Building's Department, and the Department of Planning and Development.

Under Suspension of Rules
Reading Waived & Adopted
23 Yeas 1 Absent (Magni)

EXECUTIVE DEPARTMENT

Approved September 22, 1976

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor

Copies of this Board Order and all plans referred to within this Board Order have been filed with the Planning Board and the City Clerk.

Twenty days have elapsed since the date of filing of this Board Order with the City Clerk and no appeal thereto has been filed.

City Clerk

CITY OF NEWTON
IN BOARD OF ALDERMEN

November 20, 1978

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following RENEWAL OF SPECIAL PERMIT is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: #624-78

Petitioner: The Trimount Foundation, Inc.

Location: 481 Hammond Street, Ward 7, Section 63, Block 16,
Lot 2, containing approximately 145,150 sq. ft.

Owner: The Trimount Foundation, Inc.

Address of owner: 481 Hammond Street, Newton, MA 02167

To be used for: Association of persons living together - maximum of
12 persons: 9 laymen and priests and 3 domestics.

Construction: Wood Frame

Explanatory note: Section 24-5(b) of the Zoning Ordinance requires the applicant to obtain permission from the Board of Aldermen. The subject petition requests extension of the SPECIAL PERMIT most recently extended by Board Order #471-76, dated September 20, 1976.

Land referred to is in a Single Residence A District.

Approved, subject to the following conditions:

1. That Conditions 1.-4. of Board Order #253-73, dated June 4, 1973, shall remain in full force and effect.
2. That the SPECIAL PERMIT hereby granted shall be nontransferable and shall expire three (3) years following the date of approval of this order, subject to further renewal after public hearing upon terms imposed by the Board of Aldermen.

3. That this SPECIAL PERMIT shall not obtain until:

- a. The petitioner shall have placed on file with the City Clerk and the Building Department the necessary state and local approvals required of such use.
- b. The petitioner shall have complied with all requirements of the Massachusetts State Building Code, including obtaining appropriate permits from the Building Department, and said Department shall have filed, with the City Clerk and the Department of Planning and Development, a statement certifying thereto.
- c. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
- d. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department, and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived & Adopted
20 Yeas 4 Absent (Ald.
Bauckman, Budge, McDonnell
& Sandman)

EXECUTIVE DEPARTMENT

Approved Nov. 22, 1978

(Sgd) JOSEPH H. KARLIN City Clerk

(Sgd) THEODORE D. MANN Mayor

Copies of the Board Order and all plans referred to within this Board Order have been filed with the Planning and Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.

City Clerk

CITY OF NEWTON
IN BOARD OF ALDERMEN

February 16, 1982

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following RENEWAL OF SPECIAL PERMIT is hereby accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor through its Chairman, Alderman Terry Morris.

Petition number: #17-82

Petitioner: The Trimount Foundation, Inc.

Location: 481 Hammond Street, Ward 7, Section 63, Block 16,
Lot 2, containing approximately 145,150 sq. ft.

Owner: The Trimount Foundation, Inc.

Address of owner: 481 Hammond Street, Newton, MA 02167

To be used for: Association of persons living together - maximum
of 12 persons: 9 laymen and priests and 3 domestics

Construction: Wood Frame

Explanatory note: Section 24-5(b) of the Zoning Ordinance requires the applicant to obtain permission from the Board of Aldermen. The subject petition requests extension of the SPECIAL PERMIT most recently extended by Board Order #624-78, dated November 20, 1979.

Land referred to is in a Single Residence A District.

Approved, subject to the following conditions:

1. That Conditions 1.-4. of Board Order #253-73, dated June 4, 1973, shall remain in full force and effect.
2. That the SPECIAL PERMIT hereby granted shall be nontransferable and shall expire five (5) years following the date of approval of this order, subject to further renewal after public hearing upon terms imposed by the Board of Aldermen.

ATTACHMENT J

3. There shall be no exercise of this SPECIAL PERMIT until:

- a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
- b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Building Department and the Department of Planning and Development.
- c. The petitioner shall have complied with all requirements of the Massachusetts State Building Code, including obtaining appropriate permits from the Building Department, and said Department shall have filed, with the City Clerk and the Department of Planning and Development, a statement certifying thereto.

Under Suspension of Rules
Readings Waived & Adopted
20 Yeas 4 Absent (Ald. Creem,
Daley, DePasquale, Shick)

EXECUTIVE DEPARTMENT

Approved Feb. 18, 1982

(Sgd) EDWARD G. ENGLISH City Clerk

(Sgd) THEODORE D. MANN Mayor

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT is a true, accurate and complete copy of said decision; that all statutory requirements for the issuance of such SPECIAL PERMIT have been complied with; and that copies of the foregoing decision and all plans referred to in the decision have been filed with the Planning & Development Board and the City Clerk.

Twenty days have elapsed since the date of filing of the Board Order with the City Clerk and no appeal thereto has been filed.

City Clerk

CITY OF NEWTON
IN BOARD OF ALDERMEN
October 12, 2010

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT, EXTENSION OF A NONCONFORMING STRUCTURE AND SITE PLAN AMENDMENT approved through Board Orders 253-73, 359-74, 471-76, 624-78 and 17-82 for an association of persons living together and religious/educational center operated by Opus Dei, a prelature of the Catholic Church, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed expansion of a nonconforming structure is not substantially more detrimental to the neighborhood for the following reasons:
 - a. The intensity of the use and number of inhabitants will not increase as a result of the petition;
 - b. The existing structure and proposed addition is well screened from the neighbors and is consistent with the residential character of the neighborhood;
 - c. The removal of the aging stockade perimeter fence and the addition of enhanced landscaping will be improvements to the neighborhood.
2. Literal compliance with the driveway width requirements and the provision of 26 parking spaces is impracticable due to the nature of the use and is not consistent with the residential character of the neighborhood. Access to the site is appropriate for the type and number of vehicles expected.
3. Literal compliance with the prohibition of parking within the front setback is impracticable due to the location of the property on the corner of two intersecting streets with two corresponding front setbacks.
4. The religious/educational use of the site is appropriate and consistent with the *Newton Comprehensive Plan*, which recognizes the importance of houses of worship as anchors of community structure and land use. In addition to their social value, houses of worship offer architectural variety and open space in their neighborhoods.

PETITION NUMBER: #249-10

PETITIONER: Chestnut Hill Foundation, Inc.

LOCATION: 481 Hammond Street, Ward 7, Section 63, Block 16, Lot 1
containing approximately 145,538 sq. ft. of land

OWNER: Chestnut Hill Foundation, Inc.

ADDRESS OF OWNER: 481 Hammond Street, Chestnut Hill, MA 02467

TO BE USED FOR: Association of persons living together and
religious/educational center

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Section 30-8(b)(1) to allow an association of persons living
together. Sections 30-21(a)(2)(b) and 30-21(b) to expand
the nonconforming rear yard setback, Section 30-15, Table
2 to expand a structure of nonconforming height, Sections
30-19(d) and 30-19(m) to waive one required parking
space, Sections 30-19(h)(1) and 30-19(m) to allow parking
in the front setback, 30-19(h)(4)(a) to allow for a 10' wide,
one-way driveway and a 16.5' wide two-way driveway, 30-
19 (k)(2) to allow bike parking to be located away from the
entrance to the use.

ZONING: Single Residence 1 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - "Layout and Materials Plan, 481 Hammond Street", Sheet C-4, dated June 21, 2010 and revised September 3, 2010, stamped by Mark E. Beaudry, Professional Engineer.
 - "481 Hammond Street Grading, Drainage & Utilities Plan", Sheet C-5, dated June 21, 2010, and revised September 3, 2010, stamped by Mark E. Beaudry, Professional Engineer.
 - "481 Hammond Street Landscape and Lighting Plan", Sheet C-6, dated June 21, 2010, and revised September 3, 2010.
 - "481 Hammond Street Exterior Elevations", Sheets A3-1 and A3-2, dated January 1, 2005 and revised September 3, 2010.

2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted a final landscape plan that has been approved by the Department of Planning and Development and the Newton Tree Warden.
 - c. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.